

RE: Evidence and Site Control Agreement

Monday, March 18, 2019 10:05 AM

Subject	RE: Evidence and Site Control Agreement
From	Kearns, David G. - OSHA
To	Leefers, Kristin
Cc	Ball, Stephen
Sent	Monday, November 26, 2018 5:12 PM

Thank you for the response. We will remove EPA from the agreement.

From: Leefers, Kristin [<mailto:Leefers.Kristin@epa.gov>]

Sent: Monday, November 26, 2018 10:42 AM

To: Kearns, David G. - OSHA

Cc: Ball, Stephen

Subject: RE: Evidence and Site Control Agreement

Good Morning Mr. Kearns-

I am the attorney representing EPA regarding this matter. I have reviewed the draft agreement you sent and discussed EPA's Site work with Stephen.

EPA has demobilized from the Site and is no longer taking an active role in cleanup or Site management. Furthermore, EPA does not anticipate returning to the Site to conduct any work. As such, EPA is declining to enter into an agreement on evidence and site control at this time. The draft language would require editing by EPA Region 10, and EPA headquarters review, prior to signature. Given that EPA is not conducting work at the Site any longer, we have determined that EPA's inclusion in the proposed agreement is moot. That being said, should EPA return to conduct work at the Site, we can reopen discussions on this agreement at such time.

If you have any questions or concerns regarding EPA's response, please have counsel for OSHA contact me.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

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From: Kearns, David G. - OSHA <Kearns.David@dol.gov>

Sent: Friday, November 23, 2018 11:38 AM

To: Ball, Stephen <Ball.Stephen@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>

Subject: RE: Evidence and Site Control Agreement

Importance: High

Stephen and Kristin,

Please review the attached draft evidence and site control agreement. The language was pulled from agreements used for similar joint investigations to significant events.

Let me know the point of contact information for the signatory you would like to use for EPA.

Please also let me know if there are contractors or others who you feel should be added as party to the

agreement.

Ideally, it would be good to have something we all can reasonably agree by early next week for signatures.

Regards,

Dave

208-321-2983 direct

David Kearns, MPA, CIH

Area Director

Occupational Safety & Health Administration

1387 S Vinnell Way, Suite 218, Boise, ID 83709

Main: 208.321.2960

Fax: 208.321.2966

www.osha.gov

From: Ball, Stephen [<mailto:Ball.Stephen@epa.gov>]

Sent: Wednesday, November 21, 2018 8:02 AM

To: Kearns, David G. - OSHA

Cc: Leefers, Kristin; Albert Crawshaw

Subject: Re: Evidence and Site Control Agreement

David,

I have copied Kris Leefers who is our EPA emergency response attorney working on the US Ecology site with me. She can be reached at 206 553 1532. I have also copied Albert Crawshaw who is the IDEQ lead for the site. He can be reached at 208 373 0469

Also, as an update I anticipate demobilization of all EPA assets sometime today. The scene is stabilized and IDEQ is stepping up to fill the continued need for long-term oversight per their delegated RCRA authority. US Ecology owes me a few deliverables and they will still be providing me with significant updates in the near future, but I do not plan to be back on site and I will be exiting Unified Command.

We have tracked the movement of all waste containers during our tenure here and can provide that information if useful. To summarize containers have been moved away from the building footprint, but are still located in the general area in front of the building. Once IDEQ approves a permanent storage location I believe US Ecology plans to move all containers to that area per RCRA permit waste storage requirements.

Let me know if you have any questions and thanks for the continued coordination and support!

Thanks,

Stephen Ball

EPA On-Scene Coordinator

(208) 530-9107

On Nov 20, 2018, at 5:55 PM, Kearns, David G. - OSHA <Kearns.David@dol.gov> wrote:

I could coordinate with someone tomorrow or Friday. We probably won't be able to get anything signed until next week due to the holidays. I feel comfortable about the site and evidence control currently occurring.

Thanks for the cooperation. Let me know who you'd like me to reach out to. We can involve our solicitors too.

Dave

From: Ball, Stephen <Ball.Stephen@epa.gov>

Sent: Tuesday, November 20, 2018 4:54:22 PM

To: Kearns, David G. - OSHA

Subject: RE: Evidence and Site Control Agreement

David,

Is there someone in your shop that can speak with my EPA attorney regarding this document? She and my ER chief just have a few questions regarding who from the agency should be named and how we fit into the document.

Thanks,

Stephen Ball

EPA OSC

(208)530-9107

From: Kearns, David G. - OSHA <Kearns.David@dol.gov>

Sent: Tuesday, November 20, 2018 2:44 PM

To: Joe M. Teig (JTeig@hollandhart.com) <JTeig@hollandhart.com>;
matthew.kiddy@usecology.com; Ball, Stephen <Ball.Stephen@epa.gov>

Cc: Martinson, Andrew - OSHA <Martinson.Andrew@DOL.GOV>

Subject: Evidence and Site Control Agreement

Importance: High

Mr. Teig, Mr. Kiddy, and Mr. Ball,

Due to the circumstances involved with the November 17 incident at US Ecology in Grandview, we need an evidence and site control agreement to be shared among parties involved in the investigation and clean up. If you already have one in place, please let me know. OSHA would like to be added as a signatory.

Otherwise, for my drafting of the agreement, I will list OSHA, US Ecology Idaho, Inc., and US Environmental Protection Agency. Please let me know what names and job titles should be used. Also, please let me know if you think there are other investigating parties who should be included, such as DEQ. NOTE: I spoke with the Chemical Safety Board yesterday. They do not plan to send an investigator.

Please note that representatives from our Health Response Team out of Salt Lake City will be here next Monday and Tuesday to visit the site and assist with evidence collection.

I will be away from the office tomorrow, returning Friday. But I plan to check emails periodically through Wednesday and Thursday. I can also be reached by my personal cell phone if urgent at

(b) (6)

Regards,

David Kearns, MPA, CIH

Area Director

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